

PATENT APPLICATION

042390.P11991

Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated June 5, 2003 for 3 month(s) from September 5, 2003 to December 5, 2003.

Please charge Deposit Account #02-2666 in the amount of:

(\$110.00 for a one month extension)
 (\$410.00 for a two month extension)
 X (\$930.00 for a three month extension)
 (\$1,450.00 for a four month extension)

to cover the cost of the extension.

Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-17 remain in the application and claims 18-20 have been cancelled. No new claims have been added.

Allowed Claims

Applicants would also like to gratefully acknowledge the Examiner's indication that claim 20 would be allowable if the objection as being dependent upon a rejected base claim were overcome. Rather than incorporate the limitations of one of the allowable dependent claims into the independent claims, Applicants would like to demonstrate why the corresponding independent claim is allowable in its current form so that all claims are now believed to be allowable over the art of record.

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Support for Amendments

As indicated above, claim 6 has been amended to correct a minor and inadvertent grammatical errors. This amendment is directed strictly to matters of form and, therefore, does not affect the scope of the claims or create any prosecution history estoppel.

Claims 1 and 9 have been amended and support for the amendments may be found at least in the embodiment shown in Applicants' FIG. 2 and 3, respectively.

Furthermore, the Title of the Specification has been amended to advance the prosecution of the application. However, Applicants would like to point out that the amendment to the title does not narrow or limit the scope of the claims in any way.

In addition, Applicants have added FIG. 6 as requested by the Office Action. Applicants respectfully submit that no new matter has been added.

Drawing Changes

Applicants are enclosing a proposed copy for the addition of a FIG. 6 as requested by the Office Action. In particular, the Office Action asked for a drawing to show "a third current sink transistor coupled in series with the first current sink transistor of claim 5." Accordingly, Applicants are enclosing FIG. 6 that shares many of the same components as FIG. 2 and amending the corresponding specification.

Please note that while discussing the aspects of FIG. 2, Applicants' specification makes clear that alternative embodiments may include multiple tiers, each having current sinking transistors and gate drive circuits. (see page 7, lines 3-12) In particular, tiers 120 and 130 of FIG. 2 includes gate drive circuits 212 and 214, respectively. In addition, tiers 120 and 130 are connected to current sink

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transistors 206 and 208, respectively, to sink the current associated with an ESD event. Applicants' specification then goes on to state "alternative embodiments of the present invention may have three or more tiers." Therefore, Applicants respectfully submit that no new matter has been added with the amendment to the specification or with FIG. 6.

As requested by the Office Action, Applicants have added FIG. 6 that illustrates an embodiment including a third tier 620 that includes gate drive circuitry 612. Note, in this particular embodiment a current sink transistor 606 (i.e. a third current sink transistor) is connected to gate drive circuitry 612. Thus, Applicants respectfully submit that all the features of Applicants' claim 5 are shown in the figures.

With respect to claim 6, Applicants would like to kindly point out that the embodiment shown in FIG. 4 includes a voltage divider 411 that provides a voltage potential to an inverter (i.e. transistors 420 and 421). Thus, Applicants respectfully submit that all the features recited in Applicants' claim 6 are at least shown in FIG. 4.

With respect to claim 9, Applicants would like to kindly point out that Applicants' specification states on page 5, line 9, through page 6, line 2, that FIG. 1 illustrates an embodiment of an integrated circuit 100 that may include internal circuitry 106. Integrated circuit 100 may be one of a variety of device such as a processor, controller, memory device etc. Applicants' specification then goes on to state that the internal circuitry 106 may be the circuitry associate with a static random access memory (see page 5, line 1). Thus, Applicants respectfully submit that Applicants' FIG. 1 shows every feature of claim 9.

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Response to the 35 U.S.C. §102(b) Rejection

The Office Action also rejects claims 1-20 under 35 U.S.C. §102(b) as being anticipated by Maloney et al. (US 5,956,219), or alternatively, under 35 U.S.C. §103(a) as being obvious in view of Maloney et al. and/or Maloney et al. and Pilling et al. Applicants respectfully traverse this rejection in view of the amendments to claims 13-19, and the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected.

Applicants begin with claim 1. Claim 1 specifically recites:

“An apparatus having an electrostatic discharge (ESD) device, the ESD device comprising:

a voltage divider to provide a first intermediate voltage potential;

a first current sink transistor;

a second current sink transistor coupled in series with the first current sink transistor and having a current carrying electrode to receive a ground voltage potential; and

a first drive circuit to provide an enabling voltage potential to the second current sink transistor, wherein the drive circuit comprises an inverter with an input coupled to receive the first intermediate voltage potential.”

It is respectfully asserted that, as one example, Maloney et al. fails to meet either expressly or inherently the limitation that the second current sink transistor has a current carrying electrode to receive a ground voltage potential.

As shown in figure 4 of Maloney et al., second current sink transistor is connected to the Hi-VCC power supply potential, not the ground potential. Note also that any suggestion to modify second current sink transistor 402 to a ground

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voltage potential would destroy the operation of the circuit shown. Thus, Maloney et al. cannot anticipate or make Applicants' claims 1-6 obvious.

With respect to claim 9, Applicants would like to kindly point out that claim 9 has been amended to recite, among other things, that the second tier includes a second current sink transistor. In contrast, the circuit shown in figure 5 of Maloney et al. shows that the first and second tier are connected to the same current sink transistor. Thus, Applicants respectfully submit that claim 9 and its corresponding dependent claims cannot be anticipated by or obvious in view of Maloney et al.

The Office Action also referred to In re Hutchinson, 68 USPQ138 for the proposition that elements recited in a claim by the term "adapted to" need no be considered. However, Applicants would like to kindly point out that the case relied upon is referring to limitations in the preamble, not the body of the claim. Also, Applicants would like to refer the examiner to the more recent opinion of the Appeal board in Ex parte Conner, 215 USPQ 384 where the Board stated: "The characterization in the claims that the compositions are 'adapted for application to the human skin' imposes a limitation in the claims which cannot be ignored in considering the patentability of the claims."

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Conclusion

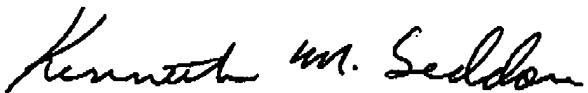
The foregoing is submitted as a full and complete response to the Office Action mailed June 5, 2003, and it is submitted that claims 1-17 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of amended claims 1-17 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.6 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

Timothy J Maloney et al.



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Dated: 12-03-03

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